

FILED

AUG 12 2005

1 NICOLE A. DILLER (State Bar No. 154842)  
2 ANDREW C. SULLIVAN (State Bar. No. 226902)  
MORGAN, LEWIS & BOCKIUS LLP  
One Market, Spear Street Tower  
3 San Francisco, California 94105  
Telephone: (415) 442-1000  
4 Facsimile: (415) 442-1001

RICHARD W. WIEKING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

5 Attorneys for Defendant Pitney Bowes Inc.  
Long-Term Disability Plan  
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8 UNITED STATES DISTRICT COURT  
9 NORTHERN DISTRICT OF CALIFORNIA  
10 SAN FRANCISCO DIVISION  
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12 CARA A. BURKE,

Case No.: C 04-04483 MHP

13 Plaintiff,

14 VS.  
15 JOINT STIPULATION FOR BRIEFING  
16 LONG TERM DISABILITY PLAN,  
17 DEFENDANT.

18  
19 WHEREAS, on February 28, 2005, the Defendant the Pitney Bowes Inc. Long-Term  
20 Disability Plan and Plaintiff Cara A. Burke (collectively, the "Parties") appeared before the Court  
21 for this matter's Case Management Conference;

22 WHEREAS, at that time, the Court ordered the Parties to file simultaneous dispositive  
23 briefs on the proper standard of review;

24 WHEREAS, on May 17, 2005, the Parties filed a Joint Stipulation for Modification of  
25 Briefing Schedule to permit the Parties to respond to the opposing party's brief;

26 WHEREAS, on May 18, 2005, the Court entered an order for modification of briefing  
27 schedule;

28 WHEREAS, on August 8, 2005, the Court ruled that it will review Defendant's decision

1 to deny Plaintiff's claim for disability benefits under an abuse of discretion standard;

2 NOW, THEREFORE, pursuant to Local Rule 6-2, the Parties stipulate through their  
3 undersigned counsel of record, and respectfully request the Court to order, as follows:

4 1. Each party shall file a motion for summary judgment on October 12, 2005.

5 2. Each party shall file a response brief on October 26, 2005.

6 3. The Parties request oral argument be set for November 14, 2005 at 2:00 p.m. or as soon  
7 thereafter as this matter may be heard by the Court.

8 This stipulation affects no date previously set by the Court.

9 Respectfully submitted,

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11 Dated: August 11, 2005

MORGAN, LEWIS & BOCKIUS LLP

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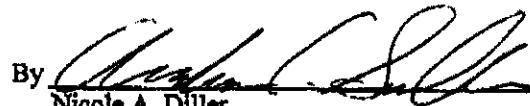
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By   
Nicole A. Diller  
Andrew C. Sullivan  
Attorneys for Defendant Pitney Bowes Inc.  
Long-Term Disability Plan

Dated: August 11, 2005

ROBOOSTOFF & KALKIN

By   
Constantin V. Roboostoff  
Attorneys for Plaintiff Cara A. Burke

PURSUANT TO STIPULATION, IT IS SO ORDERED.

Dated: 8/12/05

By   
Honorable Marilyn H. Patel  
United States District Court Judge